

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 11 APR 2006

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Applicant's or agent's file reference G164.PC.241	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/IB2005/000540	International filing date (day/month/year) 03.03.2005	Priority date (day/month/year) 05.03.2004	
International Patent Classification (IPC) or national classification and IPC INV. B65B13/04 B65B27/08			
Applicant KBA-GIORI S.A. et all.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  05.12.2005		Date of completion of this report  11.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized officer  Vigilante, M  Telephone No. +31 70 340-2902	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IB2005/000540

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-14 as originally filed

**Claims, Numbers**

1-24 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-24
	No: Claims	
Inventive step (IS)	Yes: Claims	1-24
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: WO 2004/009448 A (FERAG AG; GOESSLIN, REINHARD) 29 January 2004
- D2: US-A-5 755 084 (DEKKER ODULFUS FRANCISCUS) 26 May 1998
- D3: US 2003/033941 A1 (OZGA JOERG ET AL) 20 February 2003
- D4: DE 101 60 718 A (KLINGER MASCHB GMBH) 26 June 2003

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

a banding system for piled products, with a machine frame, a band feed mechanism (32) disposed on said machine frame for feeding band material from a supply roll (32), means for forming a loop (31) with said band material around the products to be banded, welding means (31') to close said loop and cutting means for cutting said band material, said means for forming the loop comprising transporting means for transporting the band material around the product (7) to be banded, wherein said means for forming the loop (31) are movable with respect to the machine frame between an operating position where said means for forming the loop (31) are in contact with said band feed mechanism (32) to perform the banding operation and an open position where said means for forming the loop (31) are displaced away from the band feed mechanism (32) to create an opening there between allowing a transfer of products to be banded between the band feed mechanism (32) and the means for forming the loop (31).

The subject-matter of claim 1 therefore differs from this known system in that it further comprises vacuum means connected to the transporting means for pressing the band material against the transporting means.

The problem to be solved by the present invention may therefore be regarded as how to ensure a correct feeding of band material in a simplified manner.

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(SEPARATE SHEET)**

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The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:  
the prior art does not disclose the same features of the present invention nor suggest such a combination. Additionally D1 does not disclose that only the looping means are displaceable with respect to the machine frame, thus rendering such a operation less efficient.

2. The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 17 and 24, which therefore are also considered inventive.

3. Claims 2-16, 18-23 are dependent on claims 1 and 17 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.